

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD  
Reference No. 132 of 1979  
*between*

SHRI VISHAV NATH CHAUDHARY,  
WORKMAN AND THE MANAGEMENT  
OF M/S BHARTIA ELECTRIC STEEL  
CO., LTD. FARIDABAD.

Present:

Shri Chaman Lal Oberoi, for the  
workman.

Shri R. C. Sharma, for the manage-  
ment.

#### AWARD

By order No. ID/16340, dated 16th April, 1979, the Governor of Haryana referred the following dispute between the management of M/s Bhartia Electric Steel Co. Ltd., Faridabad and its workman Shri Vishav Nath Chaudhary to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Vishav Nath Chaudhary was justified and in order ? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 24th August, 1979:—

- (1) Whether the enquiry proceedings are fair and proper and the finding is based on evidence?
- (2) Whether the workman is faithfully employed ?
- (3) Whether the termination of services of the workman is justified and in order ?

And the case was fixed for the evidence of the management. On the next date of hearing the representative for the workman was not present, although the workman was present who prayed for ad-

journment and the case was adjourned for the evidence of the management on 12th November, 1979. On 12th November, 1979, the workman himself and the representative for the management was present but court time was over hence the case was again adjourned to 17th December, 1979 for the evidence of the management. On 17th December, 1979, none appeared for the workman. The representative for the management stated that the dispute has been referred for arbitration to Shri Dharmendra Nath, Deputy Labour Commissioner, and he is seized of the dispute. In these circumstances, I need not give any award. The matter is under Arbitration of the said Deputy Labour Commissioner.

Dated the 19th December, 1979.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 1232, dated 31st December, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 11(112)-3Lab-79/679.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Hemla Embroidery Mills (P.) Ltd., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD  
Reference No. 412 of 1978

*between*

SHRI HUKAM SINGH, WORKMAN  
AND THE MANAGEMENT OF  
M/S HEMLA EMBROIDERY MILLS  
(P.) LTD., MATHURA ROAD,  
FARIDABAD

Present:

Shri R. L. Sharma, for the workman.  
Shri R. C. Sharma, for the management.

#### AWARD

By order No. ID/FD/20-M-78/41567, dated 13th September, 1978, the Governor of Haryana referred the following dispute between the management of M/s Hemla Embroidery Mills (P.) Ltd., Mathura Road, Faridabad and its workman Shri Hukam Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Hukam Singh, was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 3rd March, 1979:—

- (1) Whether Shri Hukam Singh is not a workman?
- (2) Whether Shri Hukam Singh was a probationer ? If so to what effect ?
- (3) Whether Shri Hukam Singh has received all his dues in full and final settlement ? If so to what effect ?
- (4) Whether the termination of services of Shri Hukam Singh was justified and in order ?
- (5) If not to what relief is he entitled ?

And the case was fixed for the evidence of the management. The representative for the management had objected. The form of issue No. 1 relating to onus arguing that the onus of this issue should be on the workman and it has been erroneously placed on the management. Considering the arguments of the representative for the management issue No. 1 was recast on 8th June, 1979 as follows:—

Whether Shri Hukam Singh is a workman ?

And the onus was placed on the workman. Then the case was again adjourned for the evidence of the management. Some time adjournments were sought by the management, whereas other times for other reasons. At last dispute was settled. According to which the workman agreed that he shall give up his right to reinstatement if the management paid to him a sum of Rs. 500 only in full and final. The representative for the management agreed to this. I, therefore, give my award in terms of the settlement that the workman is entitled to receive a sum of Rs. 500 from the management and on payment thereof by the management to the workman there shall be no dispute between the parties and the termination of services of the workman shall be deemed as justified and in order and the workman shall not be entitled to any relief what-so-ever.

Dated the 19th December, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridbad.

No. 1244, dated 31st December, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridbad.

No. 11(112)-3Lab-79/680.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Janta Steel and Metal Co-operative Society Ltd., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL, HARYANA,  
FARIDABAD.

Reference No. 205 of 1979.  
between

SHRI JAGARDEV SINGH, WORKMAN  
AND THE MANAGEMENT OF M/S.  
JANTA STEEL AND METAL CO-  
OPERATIVE SOCIETY LIMITED,  
MATHURA ROAD, FARIDABAD.

Present:

Shri P. K. De, for the workman.  
Shri S. L. Gupta, for the management.

#### AWARD

By order No. 88-79/32508, dated 17th July, 1979 the Governor of Haryana referred the following dispute between the management of M/s Janta Steel and Metal Co-operative Society Limited, Mathura Road, Faridabad and its workman Shri Jagardev Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act:—

Whether the termination of services of Shri Jagardev Singh was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. There were negotiations for settlement and the settlement was arrived at. The management took the workman on duty. As per the management, the management had not terminated the services of the workman and the workman was absenting from duty. I, therefore, give my award that the workman has

joined his duty and he is not entitled to any further relief.

Dated the 27th December, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 1242, dated the 31st December, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 11(112)-3Lab-79/681.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. S. G. Steels Pvt. Ltd., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 177 of 1979.

between

SHRI R. K. DUTTA, WORKMAN AND  
THE MANAGEMENT OF M/S. S. G.  
STEELS PRIVATE LIMITED, SECTOR-4,  
FARIDABAD.

Present:

Shri P. K. De, for the workman.  
Shri D. C. Bhardwaj, for the  
management.

#### AWARD

By order No. ID/20-79/21968, dated 19th May, 1979 the Governor of Haryana referred the following dispute between the management of M/s. S. G. Steels Private Limited, Sector-4, Faridabad and its workman Shri R. K. Dutta, to this Tribunal for adjudication, in exercise of

the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri R. K. Dutta was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 7th November, 1979:—

- (1) Whether the management lost confidence in the workman?
- (2) Whether the workman confessed misappropriation on his part?
- (3) Whether the termination of services of the workman was justified and in order?

And the case was fixed for the evidence of the management. It was at this stage that a settlement was arrived at between the parties. According to which, the management reinstated the workman and the workman gave up his back wages. I, therefore, give my award that the termination of services of the workman was not justified, he is entitled to reinstatement. The management has reinstated the workman and the workman is not entitled to back wages. The settlement is Exhibit MW-1.

Dated, the 27th December, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 1241, dated the 31st December, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 11(112)-3 Lab-79/682.—In pursuance of provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Santosh Exporter, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL,  
HARYANA FARIDABAD.

Reference No. 196 of 1979

between

SHRI SHAMBU NATH ROY WORKMAN  
AND THE MANAGEMENT OF M/S.  
SANTOSH EXPORTER, SECTOR-6,  
FARIDABAD.

Present:

Shri R. L. Sharma, for the workman.  
Shri Krishna Dutta, for the management.

#### AWARD

By order No. FD/37-79/31090, dated the 7th July, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Santosh Exporter Sector-6, Faridabad and its workman Shri Shambu Nath, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Shambu Nath Roy was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The representative for the management had produced a settlement. The representative for the workman wanted time to verify it. The representative for the workman was then directed to produce the workman. The representative for the workman obtained three adjournments but could not produce the workman, it was also directed that if the workman was not produced, the said settlement shall be admitted. I have gone through the settlement. The workman had admitted a receipt of Rs. 809/- from the management executing a receipt there-

of, giving it to the management. In that settlement the workman withdrew his dispute. I, therefore, give my award that there is no dispute between the parties. The workman withdrew his dispute after receiving a sum of Rs. 809/- only from the management.

The 19th December, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 1240, dated the 31st December, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 11(112)-3 Lab-79/683.—In pursuance of provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of dispute between the workmen and the management of M/s Vikas Industries, D.L.F., Faridabad.

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL,  
HARYANA FARIDABAD  
Reference No. 278 of 1979  
between

SHRI NAND VEER WORKMAN AND  
THE MANAGEMENT OF M/S. VIKAS  
INDUSTRIES, D.L.F., MATHURA ROAD,  
FARIDABAD

Present:

Shri Pasham Singh for the workman.  
None for the management.

#### AWARD

By order No. FD/62-79/38772, dated the 5th September, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Vikas

Industries, D.L.F. Mathura Road, Faridabad, and its workman Shri Nand Veer, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Nand Veer was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The representatives for the workman appeared and the management did not appear and had refused to receive notice, so *ex parte* proceedings were ordered against the management. The workman was present and he examined himself as his own witness. He stated that the management removed him from service without any justification and he was unemployed since then. He was a permanent employee and had committed no mistake. I, believe in the *ex parte* statement of the workman and give my award that the termination of services of the workman was neither justified, nor in order. He is entitled to reinstatement with continuity of service and with full back wages. I set aside his termination of his services.

The 19th December, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 1231, dated the 31st December, 1979.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

The 19th December, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 11(112)-3 Lab-79/684.—In pursuance of provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of dispute between

the workmen and the management of M/s. Bolton India (Kobe Suspension) Pvt. Ltd., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL,  
HARYANA FARIDABAD.

Reference No. 297 of 1977

between

SHRI MATA PARSHAD WORKMAN  
AND THE MANAGEMENT OF M/S.  
BOLTON INDIA (KOBE SUSPENSION)  
PVT. LIMITED, SECTOR-6,  
FARIDABAD

Present:

Shri P. K. De, for the workman.

Shri R. C. Sharma, for the management.

#### AWARD

By order No. 61-79/41497, dated the 21st September, 1979, the Governor of Haryana, referred the following dispute between the management of M/s. Bolton India (Kobe Suspension) Pvt. Limited., Sector-6, Faridabad and its workman Shri Mata Parshad, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Mata Parshad was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The representative for the management filed a full and final settlement signed by the workman. The representative for the workman wanted to verify the fact of the settlement, so the case was fixed for 11th December, 1979. On 11th December, 1979 none appeared for the workman, although the representative for the management appeared. The full and final settlement was considered. The workman has received a sum of Rs. 662.42 from the management full and final settlement of all of his dues and claims, to his full satisfaction and undertook not to raise any dispute or claim against the management of M/s. Kobe Suspension Co., Faridabad, nor will seek reinstatement. I, man Shrimati Rita, to this Tribunal, for

therefore, give my award that the termination of services of the workman concerned is justified and in order. He is not entitled to any relief, as he has already received a sum of Rs. 662.42 from the management in full and final settlement of his claims and dispute.

The 19th December, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 1233, dated the 31st December, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 11(112)-3 Lab-79/685.—In pursuance of provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of dispute between the workmen and the management of M/s. Nizam International, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL,  
HARYANA FARIDABAD.

Reference No. 123 of 1978

between

SHRIMATI RITA WORKER LADY AND  
THE MANAGEMENT OF M/S. NIZAM  
INTERNATIONAL, MATHURA ROAD,  
FARIDABAD.

Present:

Shri B. M. Gupta, for the workman.

None for the management.

#### AWARD

By order No. ID/17346, dated the 4th May, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Nizam International, Mathura Road, Faridabad and its work-

man Shrimati Rita, to this Tribunal, for

adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act:—

Whether the termination of services of Shrimati Rita was justified and in order? If not, to what relief is she entitled?

I had given my *ex parte* award in this case on 24th September, 1979 that there was no dispute between the parties, as the worker lady had defaulted in appearance. Thereafter the worker lady moved an application on 21st September, 1979 for hearing of the case on merits, as none could appear for her previously on the date fixed. Notice of the application was given to the management. The Managing Director of the management refused to receive the notice, hence *ex parte* proceedings were ordered against the management and the case was fixed for *ex parte* evidence of the worker lady. The worker lady examined herself as her own witness and stated that she was a checker in the factory of the management since 3rd January, 1976 at Rs. 250/- per mensem as wages and the management removed her without any justification on 30th August, 1977. She had demanded wages for July and ESI card from the management. Annoyed with that the management removed her from service. She proved her letter Exhibit W-1. A.D. form Exhibit W-2, demand notice Exhibit W-3, Post Office receipt and another A.D. from. Exhibit W-4 and W-5 and closed her case. She was unemployed.

I, believe in the *ex parte* statement of the worker lady and set aside my previous *ex parte* award, dated the 24th July, 1979, and give this award, which is also *ex parte* against the management, that the management terminated her services without any justification and she is entitled to reinstatement with continuity of service and with full back wages. I, set aside her termination of services and order accordingly.

The 19th December, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 1234, dated the 31st December, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 11(112)-3 Lab-79/686.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of dispute between the workmen and the management of M/s. Ananda Ankoor Garments Pvt. Ltd., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL,  
HARYANA FARIDABAD

Reference No. 188 of 1979

between

THE WORKMEN AND THE MANAGEMENT OF M/S. ANANDA ANKOOR GARMENTS PRIVATE LIMITED,  
SECTOR-24, FARIDABAD

Present:

None for the workmen.

None for the management.

#### AWARD

By order No. ID/FD/202/79/26541, dated the 23rd June 1979, the Governor of Haryana referred the following dispute between the management of M/s. Ananda Ankoor Garments Private Limited, Sector-24, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the closure of the factory with effect from 31st May, 1979 is justified and in order? If not, to what relief the workmen are entitled to?

On receipt of the order of reference, notices were issued to the parties. The

workman was served and appeared. The management was not served. There was a report of the postal server that the factory was lying closed. But on 6th November, 1979 the date fixed none appeared for the parties. Neither any workman appeared. The case was dismissed in default. The report of the process server is correct as the reference order is regarding justification of closure of the factory. Moreover the law on the subject is that the management is the best judge to decide whether to close his factory or not and the factory is closed. I, therefore, give my award that there is no dispute between the parties.

The 17th December, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 1237, dated the 31st December, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 11(112) -3 Lab-79/687.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Sri Narayan-Raj Kumar Merchants Pvt. Ltd., Faridabad.

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL,  
HARYANA FARIDABAD.

Reference No. 551 of 1978  
between

SHRI RAJ KUMAR WORKMAN AND  
THE MANAGEMENT OF M/S.  
SRI NARAYAN-RAJ KUMAR  
MERCHANTS PVT. Ltd.  
FARIDABAD.

### Present:

Workman in person.

None for the management.

### AWARD

By order No. ID/52318, dated the 23rd November, 1978 the Governor of Haryana referred the following dispute between the management of M/s. Sri Narayan-Raj Kumar Merchants Pvt. Ltd. Faridabad and its workman Shri Raj Kumar, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Raj Kumar was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The workman appeared who was asked twice to file correct address of the management but he did not file. The representative for the workman was asked twice to help effect service on the management but nothing was done by the workman. Five-six adjournments were obtained by the representative for the workman but nothing could be done by him despite directions. The workman did not/could not effect service on the management. The workman does not seem to be interested in pursuing his dispute. I, therefore, give my award that there is no dispute between the parties.

The 17th December, 1979.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1236, dated the 31st December, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11(112)-3Lab-79/688.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. D. G. L. Ltd., Faridabad.

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL, HARYANA,  
FARIDABAD.

Reference No. 192 of 1974.

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S. D. G. L. LIMITED,  
MATHURA ROAD,  
FARIDABAD.

Present:

Shri Darshan Singh, for the workmen.

Shri R. K. Agrawal, for the management.

#### AWARD

By order No. ID/FD/74/36209-13, dated 31st October, 1974 the Governor of Haryana referred the following disputes between the management of M/s. D. G. L. Limited, Mathura Road, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

- (1) Whether the workmen are entitled to dearness allowance ? If so, with what details ?
- (2) Whether the grades and scales of pay of the workmen of the factory should be fixed ? If so, with what details ?
- (3) Whether the workmen should be supplied with seasonal uniforms ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed by my learned

predecessor on 25th September, 1975:—

- (1) Whether the disputes as referred to this Tribunal for adjudication are not industrial disputes ?
- (2) Whether the workmen raised a demand in respect of the dispute as referred to this Tribunal, on the management and the same be rejected by the later before the matter was taken before the Conciliation Officer ?
- (3) Whether the demands have been properly espoused by considerable number of workmen ?
- (4) Whether the demands the subject of dispute No. 1 as referred to this Tribunal is barred by virtue of a settlement arrived at between the parties ?
- (5) Whether the statement of claim and the replications filed by the workmen are not signed by an authorised person and are otherwise in proper forms ? If not, to what effect ?
- (6) Whether the workmen are entitled to dearness allowance ? If so, with what details ?
- (7) Whether the grades and scales of pay of the workmen of factory should be fixed ? If so, with what details ?
- (8) Whether the workmen should be supplied with seasonal uniforms ? If so, with what details ?

And the case was fixed for the evidence of the workmen. The workmen examined Shri Bishan Dass, Assistant of Labour Commissioner, Haryana, Chandigarh, as WW-1 and Shri Mukhtiar Ahmed, workman as WW-1/A and Shri Beant Singh, workman as WW-2 and Shri Darshan Singh as WW-4 and closed their case. Then the case was fixed for the evidence of the management. The management examined Shri B. M. Gupta, General Secretary, Faridabad Workers Union as MW-1, Shri Y. H.

Deewan, their Chief Administrator as MW 2, Shri Ram Sarat, U.D.C., Registrar of Companies as MW-3, Shri A. C. Ahuja, ex-workman of the management as MW-4. The management obtained innumerable adjournments for adducing their evidence but could adduce nil. Therefore, their evidence was closed and the case was fixed for arguments. Thereafter another representative for the management again moved an application for setting aside *ex-parte* order against him which was set aside subject to payment of costs. Costs were paid. The management examined Shri Varun Sharma, as MW-5 and closed their case. But on that date, none had appeared for the workmen. MW-5 stated that he was Director Incharge of the management since August, 1976. This company had two factories, one at Faridabad and the other at Delhi. The factory at Faridabad was closed in May, 1978. Thereafter, the factory at Delhi was also closed. He further deposed that no work was being done at Faridabad factory and no production was going on and there was no employee at Faridabdt factory since after closure and there are no possibilities of refunctioning of factory at Faridabad. The factory had been closed due to financial crises, labour trouble and beyond control and the liabilities were more than assets. I had heard the arguments of the management. WW-1, WW-1/A, WW-2, WW-3 and WW-4 deposed on issue number 2 and 3. MW-1 also deposed on these issues in favour of the management. MW-2 had deposed that the factory was in great financial crisis, so much so that even electricity charges, telephone calls, contribution to ESI and Provident Fund could not be paid. MW-3 deposed on the balance sheet. Similarly MW-4 proved financial losses and delayed payment of Provident Fund, ESI contribution, etc. MW-5 deposed that due to financial crisis the factory had been closed. There is no rebuttal of this evidence of the management.

The disputes related to the demands of the workmen which can be granted, if proved, for future, i.e., with prospective

effect only. None of these demands can be granted with retrospective effect. When the factory has been closed in the year 1978, grant of these demands is out of question.

While answering the reference, I give my award that the factory of the management of Faridabad had been closed and, therefore, the workmen are not entitled to any of the demands referred to this Tribunal under this reference.

Dated the 13th December 1979.

NATHU RAM, SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 1239, dated 31st December, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

Dated the 13th December 1979.

NATHU RAM, SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 11(112)-3Lab-79/689.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Agemco Metal Works, Bassi Road, Gurgaon:—

BEFORE SHRI NATHU RAM SHARMA,  
PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD  
Reference No. 270 of 1979  
between

SHRI JAWAHAR LAL, WORKMAN AND  
THE MANAGEMENT OF M/S AGEMCO  
METAL WORKS, BASSI ROAD,  
GURGAON.

Present:

Workman in person.

Shri Chaman Lal, for the management.

## AWARD

By order No. GG/32-79/38187, dated 31st August, 1979, the Governor of Haryana, referred the following dispute between the management of M/s Agemco Metal Works, Bassi Road, Gurgaon and its workman Shri Jawahar Lal, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Jawahar Lal was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notice were issued to the parties. The parties appeared. The workman filed claim statement. The case was fixed for filing written statement by the management. The representative for the management stated that the dispute has been settled and filed a settlement signed by the workman. The settlement reads that the dispute had been settled mutually by the parties and the workman received all his dues amounting to Rs. 288.91. The representative for the workman denied the settlement, therefore, he was directed to produce the workman. On the date fixed, the workman appeared and admitted the settlement and receipt of the above said sum. I accept the settlement and give by award that there is no dispute between the parties. The workman has already received a sum of Rs. 288.91 from the management in respect of all his dues and claims.

Dated the 17th December, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 1238, dated 31st December, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh,

as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 17th December, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 11(112)-3Lab-79/698.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Shree Industries, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.  
Reference No. 146 of 1977  
between

SHRI RAMAYAN SHAH, WORKMAN AND THE MANAGEMENT OF M/S. SHREE INDUSTRIES, PLOT NO. 102, SECTOR-6, FARIDABAD.

Present:—

Shri S. R. Gupta, for the workman.

Shri R. C. Sharma, for the management.

## AWARD

By order No. ID/FD/252-77/39052, dated 7th September, 1977, the Governor of Haryana referred the following dispute between the management of M/s. Shree Industries, Plot No. 102, sector-6, Faridabad and its workman Shri Ramayan Shah, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ramayan Shah was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 24th February, 1978:—

- (1) Whether the workman absented himself from 14th February, 1977 to 25th February, 1977 ? If so, to what effect ?

(2) Whether the termination of services of Shri Ramayan Shah was justified and in order ? If not, to what relief is he entitled ?

And the case was fixed for the evidence of the management. The management examined Shri S. P. Parmar their Supervisor as MW-1, who proved from the attendance register that the workman was absent from 14th February, 1977 to 25th February, 1977. He proved an extract from the register Ex. MW-2. He proved the address of the workman also. He stated that the workman gave no application for leave for this period. The workman received his bonus on 31st December, 1977 and refused to receive his dues on 15th March, 1977,—vide Ex. M-4. In cross-examination he was asked some questions regarding filling of blanks on the form of the letter of appointment Ex. M-1. He denied that any leave application was given to him and that he had told the workman that his leave had been sanctioned. The workman returned to them on 14th March, 1977, when they held no enquiry into the reasons of his absence. He denied that Ex. M-4 was forged. MW-2 also proved some signatures on the documents. The management closed their case after tendering in evidence conciliation proceedings. Then the case was fixed for the evidence of the workman. The workman examined Shri Sher Singh Labour Inspector, who proved a complaint of the workman Ex. W-1 and his proceedings Ex. W-2 and W-3 and the receipt of Ex. W-4. The workman also examined Shri Adarsh Kishore, General Secretary of the General Engineering Mazdoor Union, who stated that the workman was a member of the union and he had attended the office of the Labour Inspector in the proceedings on Ex. W-1. He further stated that Shri S. L. Awasthy had appeared on behalf of the management. He also stated that Shri S. L. Awasthy had stated before the Labour Inspector that the workman had gone on leave for 15 days. He did not bring any union record to show the membership of the workman. He also deposed that the Labour Inspector did not record what had happened before him and he had not signed any paper there. He also could not tell whether his presence was recorded there or not. He also stated that the proceedings of the Labour Inspector were not correct record of what had transpired. He denied that he had deposed all

false. He admitted that the Labour Inspector had not sent any notice to him. He denied that he was not General Secretary. The workman then examined himself as his own witness. He deposed that he had gone on leave for one month on 14th February, 1977 and had returned on 14th March, 1977. He also stated that he was not told that he was kept as a trainee. He admitted his signatures on Ex. M-1 and also that he used to reside in a Jhughi near East India Cotton Mills, near Shamshan Ghat but stated that the Jhughies were removed by the police in the year 1976. He denied that the changed address was not communicated to the management. He admitted that he had given his address on Ex. W-1 for the first time. He denied that he was appointed to learn work. He further stated that he was a member of N.L.O. Union but he could not tell the names of President and General Secretary of that union. He admitted that he had attended the office of the Labour Inspector and he himself had gone there with his complaint and one Shri Ram Lagan had accompanied him. He stated that Shri Parmar was present before the Labour Inspector. He again stated that Shri Awasthy was also present. He further stated that he had asked the supervisor to give him a receipt of his leave application but the supervisor did not give and that he never gave such receipts to any one. He denied that he did not make any leave application. The workman closed his case. Then the case was fixed for arguments. Arguments have been heard. The representative for the management argued that the workman had remained absent and therefore, as per the Model Standing Orders he has been removed from service as per law. The representative for the workman, argued that the plea of absence was an after thought and that he was not paid one month's leave wages. He also cited 1979 I LLJ 257 (S.C.), 1976 I LLJ 93, 1975 Lab. I.C. 1958, 1975 II LLJ 73 Bombay. He also argued that there was unfair labour practice in this factory of the management. On the point of unfair labour practice he cited 53 FJR page 220, 44 FJR page 245, 1978 Lab. I. C. page 1137, 1979 I LLN page 278. In reply the representative for the management cited 1976 I LLJ page 81 (S.C.). I have gone through the entire evidence oral as well as documentary. I have also gone through the rulings. The plea of unfair labour practice does not find place in

the pleadings of the workman, nor this plea finds place in evidence and pleadings on the file. Neither there is any issue on this point.

I now give my findings issueswise:—

#### ISSUE NO. 1:

It is proved from the evidence of MW-1 the supervisor and from the attendance register that the workman was absent from 14th February, 1977 to 25th February, 1977 and his name was struck off from 26th February, 1977 on that account. As per the Standing Orders, the management could remove the workman from service when he remained absent for more than ten days. Ex. M-1 is a letter of appointment, which bears the signatures of the workman and also clearly states that the workman was appointed for learning the job of assembler with effect from 26th August, 1975 at Rs. 150/- p.m. which is at the rate fixed for the Government for the first six months. His training period was 1½ years as per the minimum wage schedule rates. Clause 3 of this letter mentions that either party was free to terminate that contract at will at any time without assigning any reason or notice. Clause six of this letter further mentions that in case the workman was aggrieved by any order of the management for terminating his services, he shall forfeit his right to raise an industrial dispute against that order unless it was raised within one month of the order. Clause 8 of Ex. M-1 further provides that if the workman remained absent upto 10 days, his name will be struck off the company without any intimation. This term of appointment expired on 25th February, 1977. But during this period of appointment, the workman remained absent from 14th February, 1977, till 25th February, 1977 for more than ten days. Even as per terms of appointment and as per the Standing Orders, the management was within their rights to remove him from service for remaining continuously absent for ten days. Evidence of Shri Adarsh Kishore is quite unbelievable. His statement that the Labour Inspector did not record his presence and did not record the facts is quite unbelievable. The evidence of Shri Adarsh Kishore WW-1 is also falsified by the statement of the workman himself, who stated that he had gone to the Labour Inspector with one Shri Ram Lagan and Shri Ram Lagan has not been produced by the workman. The story of the

workman that he had made an application for leave is also falsified. Shri Adarsh Kishore WW-1 the said General Secretary, stated that Shri Awasthy had stated that the workman had gone on leave for fifteen days, whereas the workman himself stated that he made application for leave for one month and returned on 14th March, 1977. The workman has stated that he had applied for leave for one month, whereas Shri Adarsh Kishore stated regarding leave for 15 days. The stand of the management is consistent from the earliest stage till end. They stated before the Labour Inspector that the workman was a learner. The workman has not filed any copy of his leave application. The workman also received his bonus on 31st December, 1977, which is admitted by him as evident in Ex. M-3. Ex. M-4 proves that the retrenchment compensation was offered to him on 15th March, 1977, when the workman went to the factory but the workman refused to receive the same. The endorsement on Ex. M-4 proves that and it is also proved from the statement of Shri Parmar the Enquiry Officer of the management. In this case, a workman named Shri Satya Pal has appeared as MW-2 to prove the contents of Ex. M-4 against the workman. The conciliation proceedings prove the stand of the management as consistent. The complaint of the workman to the Labour Inspector is dated 22nd March, 1977 after a month and eight days of the commencement of his absence. I, therefore, find issue number 1 in favour of the management.

#### ISSUE NO. 2 :

As per my findings on issue number 1, issue number 2 has become redundant, as the management did not terminate the services of the workman and it was the workman who remained absent for more than ten days without any valid reason and lost his job. The ruling reported as 1976 I LLJ 81 clearly states that an apprentice to learn the work is not a workman and cannot raise regular dispute. Ex. M-1 the appointment letter is also to the same effect. Clause (i) of the letter of appointment reads that the workman shall be paid a sum of Rs. 150/- for learning the job of assembler at the rate fixed by the Government for first six months. It means that the workman was appointed for learning the job. Because the

words "at the rate fixed by the Government for first six months" proves that he was appointed as a learner only and therefore, he could not raise any industrial dispute. 1979 I LLJ has held that abandonment is question of fact and of intention. This has been proved by long absence of the workman for about one month from 14th February, 1977 to 15th March, 1977. 1976 I LLJ 93 is a case where the workman had gone on leave and had made an application for extension of leave in that case. The management has not granted extension and had not enquired into the reasons of extension of leave. In 1979 I LLJ page 257 the workman was on strike which was peaceful, for getting their demands and therefore, intention to abandonment could not be inferred. 1975 II LLJ page 73 also is a case of over staying leave and there was no valid or unavoidable cause for over staying. In the instant case the workman was a learner to learn the job and is not a workman as per 1976 I LLJ page 81 (S.C.). He had also made no application for leave and therefore, the question of over staying does not arise.

While answering the reference, I give my award that the workman himself lost his job by remaining absent for ten days. He was not

No. 11(112)-3Lab-79/960. -In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s The Brayne Central Co-operative Bank Ltd, Rewari :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 343 of 1979

*between*

THE WORKMAN AND THE MANAGEMENT OF M/S THE BRAYNE CENTRAL CO-OPERATIVE BANK LTD., REWARI.

Present:—

None for the workman.

Shri P. L. Rao for the management.

#### AWARD

1. By order No. GG/42-79/47454, dated 6th November, 1979, the Governor of Haryana referred the following dispute between the management of M/s. The Brayne Central Co-operative Bank Ltd., Rewari and its workman to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 :—

To what quantum of bonus the workmen are entitled to for the year 1977-78 under the Payment of Bonus Act, 1955 ?

a workman as per the ruling 1976 I LLJ 81 (S.C.). He was a learner only. His services were not terminated by the management. Therefore, question of his reinstatement does not arise. However, the management had offered him a sum of Rs. 403.60 as per Ex. M-4, which he refused to receive. Therefore, the workman is entitled to receive the said sum of Rs. 403.60 from the management.

Dated the 17th December, 1979.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 1246, dated 31st December, 1979.

Forwarded, (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

2. On receipt of the order of reference, notices were issued to the parties. The workmen did not appear, although the management appeared. The case was dismissed in default. I, therefore, give my award that there is no dispute between the parties.

NATHU RAM SHARMA,

Dated 9th January, 1980

Presiding Officer,  
Industrial Tribunal, Haryana  
Faridabad.

No. 45, dated the 15th January, 1980

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana  
Faridabad.

No. 11(112)-3Lab-79/1536.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Usha Spinning & Weaving Mills, Faridabad :—

BEFORE SHRI GURMESH PARKASH, PRESIDING OFFICER, LABOUR COURT, HARYANA FARIDABAD.

Reference No. 10 of 1979

between

SHRI MANPAL SINGH WORKMAN AND THE MANAGEMENT OF M/S. USHA SPINNING AND WEAVING MILLS, LTD., FARIDABAD.

Present—

Shri K. L. Sharma, for the workman.

Shri Madan Pal, for the management.

#### AWARD

This reference No. 10 of 1979 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/148-78 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication the dispute existing between Shri Manpal Singh workman and M/s Usha Spinning & Weaving Mills, Ltd., Faridabad. The term of the reference was :—

Whether termination of services of Shri Manpal Singh was justified and in order? If not, to what relief is he entitled?

After receiving this reference notices were issued to both the parties and both the parties appeared before this court through their Authorised Representative. Today the case was fixed for the claim statement when both the parties filed before this court a written settlement signed by the workman and the management before the witnesses. The terms of the settlement are as under :—

1. Both the parties agree that Shri Manpal Singh shall be reinstated with continuity of service and without any wages for the intervening period with effect from 30 January, 1980.
2. Both the parties agree that effort shall be made to compromise the Police case going on against Shri Manpal Singh.
3. Both the parties agree that the copies of this settlement shall be filed before the Presiding Officer, Labour Court, Faridabad and also the appropriate authorities by the management.

Both the parties has prayed that Award in this reference be made in the terms of settlement. In these circumstances I thus relying on the settlement hold that the demand raised by the workman against the management leading to this reference has been duly satisfied. There is now no dispute

remains to be adjudicated between the parties. Hence I answer this reference while returning the Award in these terms.

The 30th January, 1980.

GURMESH PARKASH,

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

Endst No. 202, dated the 30th January, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

GURMESH PARKASH,

Presiding Officer,  
Labour Court, Haryana,  
Faridabad

The 5th February, 1980

No. 11(112)-3Lab-79/1538.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Usha Spinning and Weaving Mills Ltd., Faridabad :—

BEFORE SHRI GURMESH PARKASH, PRESIDING OFFICER, LABOUR COURT,  
HARYANA FARIDABAD

Reference No. 8 of 1979

SHRI DORI LAL WORKMAN AND THE MANAGEMENT OF M/S USHA SPINNING  
AND WEAVING MILLS LTD., FARIDABAD

Present :—

Shri K. L. Sharma for the workman.

Shri Madan Pal for the management.

#### AWARD

This reference No. 8 of 1979 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/148-78 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication the dispute existing between Shri Dori Lal workman and M/s Usha Spinning and Weaving Mills Ltd., Faridabad. The term of the reference was :—

Whether the termination of services Shri Dori Lal was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference notices were issued to both the parties and both the parties appeared before this court through their Authorised Representative. Today the case was fixed for the claim statement when both the parties filed before this Court a written settlement signed by the workman and the management before the witnesses. The terms of the settlement are as under :—

1. Both the parties agree that Shri Dori Lal shall be reinstated with continuity of service and without any wages for the intervening period with effect from 30th January, 1980.
2. Both the parties agree that efforts shall be made to compromise the Police case going on against Shri Dori Lal.
3. Both the parties agree that the copies of this settlement shall be filed before the Presiding Officer, Labour Court, Faridabad and also the appropriate authorities by the management.

Both the parties have prayed that Award in this reference be made in the terms of the settlement. In these circumstances, I thus relying on the settlement hold that the demand raised by the

workman against the management leading to this reference has been duly satisfied. There is now no dispute remains to be adjudicated between the parties. Hence I answer this reference while returning the award in these terms.

Dated the 30th January, 1980.

GURMESH PARKASH,

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

Endst. No. 204, dated the 30th January, 1980

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947

GURMESH PARKASH,

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

The 6th February, 1980

No. 11(112)-3Lab-79/1585.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s International Engineering Corporation, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD.

Reference No 546 of 1978

*between*

SHRI GURBUX SINGH WORKMAN AND THE MANAGEMENT OF M/S. INTERNATIONAL ENGINEERING CORPORATION, 12/2, MATHURA ROAD, FARIDABAD.

*Present.*—

Shri Pasham Singh, for the workman.

Shri D. C. Bhardwaj, for the management.

#### AWARD

1. By order No. ID/53978, dated 29th November, 1977, the Governor of Haryana referred the following dispute between the management of M/s. International Engineering Corporation, 12/2, Mathura Road, Faridabad and its workman Shri Gurbux Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 16 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Gurbux Singh was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 8th March, 1979:—

1. Whether the management had authority to order the workman to report for work at their Delhi factory?
2. Whether the workman remained absent and abandoned his job of his own?
3. Whether the termination of services of the workman was justified and in order?
4. Relief.

And the case was fixed for the evidence of the management. The management examined their Proprietor Shri A. S. Rohal as MW-1 and closed their case. Then the case was fixed for arguments. At this stage a settlement was arrived at. According to which the management agreed to pay a sum of Rs. 1,000 to the workman. The workman had received a sum of Rs. 320 as advance from the management. I give my award in terms of the settlement that the workman was entitled to receive a sum of Rs. 1,000 only from the management and the management has paid the said sum by a cheque to the workman, receipt whereof was granted by the workman to the management. There is no dispute between the parties.

NATHU RAM SHARMA,

Dated, the 9th January, 1980.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 32, dated, the 15th January, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11(112)-3 Lab-79/1587.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Sadhu Steel Forgings Industries Faridabad:—

BEFORE SHRI NATHU RAM SHARMA PRESIDING OFFICER INDUSTRIAL TRIBUNAL HARYANA, FARIDABAD

Reference No. 460 of 1978

between

THE WORKMEN AND THE MANAGEMENT OF M/S. SADHU STEEL FORGINGS INDUSTRIES, SECTOR-24, FARIDABAD

Present:—

Shri Darshan Singh for the workmen.

Shri R. C. Sharma for the management.

#### AWARD

1. By order No. ID/FD/11/109-78/43369, dated 28th September, 1978 the Governor of Haryana referred the following disputes between the management of M/s. Sadhu Steel Forgings Industries, Sector-24, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

- (1) Whether the workmen should be fitted in respective grades as per their work and the same should be fixed? If so, with what details?
- (2) Whether the workmen are entitled to the grant of an increase in their wages? If so, with what details?
- (3) Whether the workmen are entitled to the grant of dearness allowance and the same be linked with the cost of living Index Number? If so, with what details?
- (4) Whether the workmen should be supplied with uniforms, goggles and shoes? If so, with what details?
- (5) Whether the workmen are entitled to the grant of Heat Allowance? If so, with what details?
- (6) Whether the workmen working in Grinder Shop and Heating Process should be supplied gur and milk? If so, with what details?

(7) Whether the workmen are entitled to the grant of house rent allowance? If so, with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 5th July, 1979: —

- (1) Whether the demands have been properly espoused by substantial number of workmen?
- (2) Whether the dispute has been settled? If so to what effect?
- (3) Whether the workmen should be fitted in respective grades as per their work and the same should be fixed? If so, with what details?
- (4) Whether the workmen are entitled to the grant of an increase in their wages? If so, with what details?
- (5) Whether the workmen are entitled to the grant of dearness allowance and the same be linked with the cost of living Index Number? If so, with what details?
- (6) Whether the workmen should be supplied with uniforms, goggles and shoes? If so, with what details?
- (7) Whether the workmen are entitled to the grant of Heat allowance? If so, with what details?
- (8) Whether the workmen working in Grinder shop and Heating process should be supplied gur and milk? If so, with what details?
- (9) Whether the workmen are entitled to the grant of house rent allowance? If so, with what details?

And the case was fixed for the evidence of the workmen. The workmen obtained three adjournments but adduced no evidence. His evidence was then closed. The management also adduced no evidence and closed their case. A settlement Exhibit M=1 was produced before this Tribunal.

In the absence of evidence by workmen, I give my award that there is no dispute between the parties. However, the settlement as envisaged in Exhibit M=1 shall govern the parties.

NATHU RAM SHARMA,

Dated the 9th January, 1980

Presiding Officer,  
Industrial Tribunal Haryana  
Faridabad.

No. 33, dated, the 15th January, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11(112)-3Lab-79/1640.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Mercury Rubber Manufacturing Company Private, Ambala City:—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 105 of 1979

SHRI KHARAJITI LAL, WORKMAN AND THE MANAGEMENT OF M/S MERCURY RUBBER  
MANUFACTURING CO. PVT. LTD., SHUKULKUND ROAD, AMBALA CITY

Present :—

Shri Madhu Sudan for the workman,  
No one for the respondent management.

## AWARD

By order No. ID/Amb/42-79/21489, dated 16th May, 1979 of the Governor of Haryana, the following dispute between the management of M/s. Mercury Rubber Manufacturing Co. Pvt. Ltd., Ambala City and its workman Shri Kharaiti Lal was referred for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Kharaiti Lal was justified and in order? If not, to what relief is he entitled?”

On receipt of order of reference, the notices were issued to the parties for 26th June, 1979. The management was duly served with the notice, A. D. is on the file, but no one appeared on behalf of the management and order of *ex parte* proceedings against the management was passed and the case was fixed for *ex parte* evidence of the workman for 30th August, 1979. The workman was allowed five adjournments for the production of his evidence, but in spite of being informed on each and every date by the workmen's representative, the workman did not produce his evidence and never appeared in this Court. At last on 21st December, 1979 the workman's representative made the following statement:—

*Statement of Shri Madhu Sudan, rep. of the workman.*

“I have intimated the workman concerned on every date of hearing but he did not come to depose. The reference may be dismissed.”

In view of the above circumstances, the workman does not seem to be interested in pursuing his case. I therefore, make no dispute award in answer to this reference. No order as to cost.

BANWARI LAL DALAL,

Dated, the 21st December, 1979.

Presiding Officer,  
Labour Court, Rohtak.

Endorsement No. 244, dated 30th January, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Rohtak.

No. 11(112)-3Lab-79/1642.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Rohtak in respect of the dispute between the workmen and the management of M/s Pamco Industries, Yamuna Nagar:—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No 130 of 1979

SHRI RAJ PAL SINGH, WORKMAN AND THE MANAGEMENT OF M/S PAMCO INDUSTRIES, 21, INDUSTRIAL AREA, YAMUNA NAGAR

Present :—

Shri Inder Sain, for the workman.

Shri W. C. Sharma for the respondent-management.

## AWARD

By order No. ID/Ymn/53-79/27100, dated 26th June, 1979 of the Governor of Haryana, the following dispute between the management of M/s Pamco Industries, 21, Industrial Area, Yamuna Nagar and its workman Shri Raj Pal Singh was referred for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Raj Pal Singh was justified and in order? If not, to what relief is he entitled?

On receipt of order of reference, usual notices were given to the parties in reply to these notices the parties appeared on the date fixed, i. e., 28th August, 1979 but due to the death of Lord Mountbatten there was a holiday and the case was adjourned for 25th September, 1979. On this hearing the authorised representative of the management filed a letter written by the workman which purports to be a settlement whereby he admits his claim to have been fully settled and he also withdraws the authorisation in the name of Bawa Inder Sain or any other person who has been appearing on his behalf. Twice the case was adjourned for the purpose of verification of the settlement. At last on 19th December, 1979, the workman came to this Court and made the following statement :—

*Statement of Shri Raj Pal Singh, workman in person.*

"I have fully and finally settled my claim with the management and do not want to pursue this claim any further. The same may be filed as settled."

In both the settlement in writing and also in the statement made by the workman, the workman has only stated that he has settled his claim with the management fully and finally and does not want to pursue his claim any more and the reference may be filed as settled. He does not seem to press hard his claim for reinstatement the main dispute under the reference. In these circumstances it is natural to be believed that the workman forgoes his claim for reinstatement. I, therefore, answer the award in term of settlement arrived at between the parties. No order as to cost.

Dated, the 31st December, 1979.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court,  
Rohtak.

Ends. No. 246, dated 30th January, 1980

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court,  
Rohtak.

**No. 11(112)-3 Lab-79/1643.**—In pursuance of the provision of section-17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Lottus Industries Govindpuri, Jagadhri :—

BEFORE SHRI BANWARI LAL DALAL PRESIDING OFFICER, LABOUR COURT,  
ROHTAK

Reference No. 154 of 1977

SHRI SHAMBHU SARAN VERMA, WORKMAN AND THE MANAGEMENT OF M/S.  
LOTTUS INDUSTRIES, GOVINDPURI ROAD, JAGADHRI

*Present.—*

Shri Suri Surinder Kumar, for the workman.  
Shri Vidya Vart, Partner of the respondent management.

#### AWARD

By order No. ID/Amb/305-77/50385, dated 7th December, 1977 of the Governor of Haryana, the following dispute between the management of M/s. Lottus Industries, Govindpuri Road, Jagadhri and its workman Shri Shambhu Saran Verma was referred for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Shambhu Saran Verma was justified and in order? If not to what relief is he entitled?

On receipt of order of reference usual notices were given to the parties and they put in their respective pleadings. The management does not contest the claim of the workman on legal grounds and only states that the workman has settled his accounts with the respondent and filed a copy of writing in this behalf in the workman's own hand on 24th April, 1979.

My learned predecessor framed Issue "as per reference" on 29th June, 1979 and directed the management to produce their evidence on 29th August, 1979, but on that date of hearing the management sought another adjournment for 26th September, 1979 and the case was further fixed for 27th November, 1979 for the evidence of the management. At this stage the representative of the workman made a statement that the workman has settled his disputes with the management and his statement was recorded as under: —

**Statement of Shri Surinder Kumar, rep. of the workman**

The workman Shri Shambhu Saran Verma has received Rs. 500 in full and final settlement of his claim and forgives his right of reinstatement. Now no dispute remains with the management. The settlement is Exhibit W-1 which I recognize. In these circumstances I withdraw this reference having been settled.

In view of the facts stated above no further proceedings are called for in this case and the award is made in terms of the settlement arrived at between the parties whereby the workman has received Rs. 500 in full and final settlement of his entire claims including his right of reinstatement. In these circumstances there shall be no order as to cost.

BANWARI LAL DALAL,

Dated 31st December, 1979

Presiding Officer,  
Labour Court,  
Rohtak.

No. 247, dated 30th January, 1980

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Rohtak.

No. 11(112)-3Lab-79/1694.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Lottus Industries, Govindpuri Road, Jagadhri: —

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,  
ROHTAK

Reference No. 155 of 1977

*between*

SHRI INDRASON WORKMAN AND THE MANAGEMENT OF M/S LOTTUS INDUSTRIES,  
GOVINDPURI ROAD, JAGADHRI

*Present.—*

Shri Surinder Kumar, for the workmen.

Shri Vidya Vart, Partner, for the respondent management.

**AWARD**

By order No. ID/Amb/307-77/50391, dated 7th Dec., 1977 of the Governor of Haryana, the following disputes between the management of M/s Lottus Industries, Govindpuri Road, Jagadhri and its workman Shri Indrason was referred for adjudication, to this Court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947.

2. Whether the termination of services of Shri Indrason, was justified and in order ? If not, to what relief is he entitled ?

On receipt of order of reference usual notices were given to the parties and they put in their respective pleadings. The management does not contest the claim of the workmen on legal grounds and only states that the workman has settled his accounts with the respondent and filed a copy of writing in this behalf in the workman's own hand on 24th April, 1979.

My learned predecessor farmed the issue "as per reference" on 29 June, 1979 and directed the management to produce their evidence on 29th August, 1979, but on that date of hearing the management sought another adjournment for 26th September, 1979 and the case was further fixed for 27th November, 1979 for the evidence of the management. At this the representative of the workman made a statement that the workman has settled his dispute with the management and his statement was recorded as under :—

**Statement of Shri Surinder Kumar, rep. of the workman.**

The workman Shri Indrason has received Rs. 500/- in full and final settlement of his claim and for goes his right of reinstatement. Now no dispute remains with this management. The settlement is Ex. W-I which I recognize. In these circumstances I withdraw this reference having been settled.

In view of the facts stated above no further proceedings are called for in this case and the award is made in terms of the settlement arrived at between the parties whereby the workman has received Rs. 500 in full and final settlement of his entire claim including his right of rein statement. In these circumstances there shall be no order as to costs.

Dated the 31st December, 1979.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Endst. No. 248, dated 30th January, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.,

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 11(112)-3Lab-79/1695.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Lotus Industries Govindpuri Jagadhri.

**BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK**

**Reference No. 153 of 1977**

*between*

**SHRI LALL JI, WORKMAN AND THE MANAGEMENT OF M/S LOTTUS INDUSTRIES, GOVINDPURI JAGADHRI**

*Present :—*

Shri Surinder Kumar, for the workman.

Shri Vidya Vart, Partner of the respondent management.

**AWARD**

By order No. ID/Amb. 306-77/50379.—dated 7th December, 1977 of the Governor of Haryana, the following dispute between the management of M/s. Lottus Industries, Govindpuri Road, Jagadhri and its workman Shri Lall ji was referred for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of service of Shri Lall ji was justified and in order ? If not to what relief is he entitled ?

On receipt of order of reference usual notices were given to the parties and they put in their respective pleadings. The management does not contest the claim of the workman on legal grounds and only states that the workman has settled his accounts with the respondent and filed a copy of writing in this behalf in the workman's own hand on 24th April, 1979.

My learned predecessor framed the issue "as per reference" on 29th June, 1979 and directed the management to produce their evidence on 29th August, 1979, but on the date of hearing the management sought another adjournment for 26th September, 1979 and the case was further fixed for 27th November, 1979 for the evidence of the management. At this stage the representative of the workman made a statement that the workman has settled his dispute with the management and his statement was recorded as under :—

**Statement of Shri Surinder Kumar, representative of the workman.**

The workman Shri Lall Ji has received Rs. 500/- in full and final settlement of his claim and forgoes his right of reinstatement. Now no dispute remains with this management. the settlement is Ex.W-1 which I recognize. In these circumstances I withdraw this reference having been settled."

In view of the facts stated above no further proceeding are called for in this case and the award is made in terms of the settlement arrived at between the parties whereby the workman has received Rs. 500/- in full and final settlement of his entire claim including his right of reinstatement. In these circumstances there shall be no order as to costs.

BANWARI LAL DALAL,

Dated 31st December, 1979.

Presiding Officer,

Labour Court, Haryana, Rohtak.

Endorsement No. 249, dated 30th January, 1980

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Haryana, Rohtak.

The 22nd February, 1980

No. 11(112)-3Lab-79.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following arbitration award of the Presiding Officer, Shri Som Chand Gupta, HLS, Arbitrator and Officer-cum-Conciliation Officer, Yamunanagar in respect of the dispute between the workmen and the management of M/s Poly Cast Spun Pipes, Chandimandir.

BEFORE SHRI SOM CHAND GUPTA, H. L. S., ARBITRATOR AND LABOUR  
OFFICER-CUM-CONCILIATION OFFICER,  
YAMUNANAGAR

IN THE MATTER OF INDUSTRIAL DISPUTE BETWEEN THE MANAGEMENT  
OF M/S POLY CAST SPUN PIPES CHANDIMANDIR

AND

THE WORKMEN REPRESENTED BY B. I. C. SPUN PIPES, WORKERS UNION,  
CHANDIMANDIR

**AWARD**

Shri N. N. Chopra Manager representative of the management of M/s Poly Cast Spun Pipes, Chandimandir their workmen represented by Shri Shadi Ram President and Shri Amar Singh General Secretary B. I. C. Spun Pipes workers Union, Chandimandir entered into arbitration agreement which was published in the HARYANA GOVERNMENT GAZETTE, dated 2nd May, 1979, *vide* notification No. 1D/Amb 29-79/18142, dated the 2nd May, 1979 and they referred for my arbitration under section 10-A of the Industrial Dispute Act, 1947 the following specific matter in dispute :—

(i) How many days of leave the workers were entitled on 1st January, 1979.

(ii) Whether the workman had applied for grant of leave during the years, 1978, if so, whether they were granted leave applied for? If not, whether they are entitled to cash payment in lieu of such leave.

According to this agreement I was required to give my award within a period of two months or within such further time as extended by mutual agreement between the parties under the circumstances that the parties are making their best efforts for settling the dispute mutually, I could not give my award within a period of two months. The parties extended the period by mutual agreement in writing to 31st August, 1979 and accordingly the period of award shall be deemed to be extended in terms and in accordance with the above-mentioned notifications.

Usual notices were given to both the parties. Both the parties appeared on several dates and indicated their intention of settling the disputes mutually and various dates were fixed on their requests. During the course of arbitration proceedings, the management was represented by Shri N.N. Chopra, Manager of the factory and the workers were represented by Shri Shadi Ram and Shri Amar Singh General Secretary of B. I. C. Spun Pipes workers Union, Chandimandir.

I would now refer in brief to the pleadings of the parties. The management gave a list of (Annexure A) leave due to the workers on 1st January, 1979 and also gave their written statement on 25th June, 1979. The copy of the same was given to the party. In this written statement the management alleged that it is nowhere specified where in the provision of Industrial Dispute that payment be made for the accumulation of earned leave and as such the demand for cashment for earned leave is vague and irrelevant. In the support of their contention the management referred to the decision of the case between Bagirath Vilas Cigar Company *Versus* Labour Court, Madurari and other petition No. 6799 of February, 23, 1978. Shri N. N. Chopra also appeared as R.W.I. on 13th August, 1978 and corroborated the above said facts in his statement. He has also stated that twenty five workers had applied for leaves during the year 1978, but the workers namely Sarvshri Karnail Singh, Prem Chand, Shadi Ram and Hari Krishan were not granted leave under the then existing circumstances. Shri N. N. Chopra has clearly stressed in his statement that there is no provision such to enable the encashment for the leave unavailed of by the workers.

But the representative of the workers gave their replications on 28th July, 1979 and mentioned that the written statement of the management is not correct. During the course of arbitration proceedings the case was fixed for 18th August, 1979. Both the parties were present on 18th August, 1979. They gave in writing Annexure B that both the parties have mutually settled the dispute and requested to file the case of arbitration.

I also personally heard the parties and am satisfied with the mutual settlement, dated 18th August, 1979. I thus gave my award accordingly.

Announced.

Dated the 18th August, 1979.

SOM CHAND,  
Arbitrator,  
and Labour Officer-cum-Conciliation Officer,  
Yamunanagar.

H. L. GUGNANI, Secy.

Annexure 'A'

Sr. No.	Name	Father's Name	Dept.	Date of a appointment	Earned leave due	Rate of pay
1.	Naroir Singh	Sarwan Singh	Maint	9-11-70	43½	263/-
2	Jai Ram	Parbhoo	Moulder	1-3-69	26	253/-
3.	Jagga	Uttam	do	1-3-69	51½	259/-
4.	Prem Singh	Munshi	do	17-11-69	43½	203/-
5	Mohinder Singh	Baisakha Singh	do	1-2-76	42½	263/50

Sr. No.	Name	Father's Name	Dept.	Date of appointment	Earned leave due	Rate of pay
6.	Shadi Ram	Sardhu Ram	Moulder	1-5-70	35	215.50
7.	Saruppa	Jati	—do—	1-8-70	44	203.50
8.	Dev Singh	Kali Ram	—do—	1-8-70	46 $\frac{1}{2}$	225.00
9.	Jeet Ram	Baru Ram	—do—	1-11-70	46 $\frac{1}{2}$	218.00
10.	Ramji Dass	Puran Singh	Cage	1-12-70	24 $\frac{1}{2}$	203.00
11.	Jeet Ram	Inder Singh	Driver	1-3-69	90 $\frac{1}{2}$	296.00
12.	Mam Raj	Krishan Chand	Cleaner	21-8-70	37 $\frac{1}{2}$	191.00
13.	Matu Ram	Mansa Ram	Watchman	1-10-69	73 $\frac{1}{2}$	190.50
14.	Sarwan	Jati	Mix.	21-7-71	40 $\frac{1}{2}$	208.00
15.	Prem Chand	Udhey Ram	Cage	17-11-69	46 $\frac{1}{2}$	218.00
16.	Ajmer Singh	Puran Singh	M. Helper	1-2-70	52 $\frac{1}{2}$	214.00
17.	Shadi Ram	Uttam	Moulder	1-9-73	44 $\frac{1}{2}$	209.50
18.	Garib Singh	Munshi	—do—	3-2-70	39	191.00
19.	Bhagat Ram	Bhangi	M. Helper	23-3-70	43 $\frac{1}{2}$	206.00
20.	Ajit Singh	Gurdyal Singh	Tank	9-7-69	49 $\frac{1}{2}$	214.00
21.	Karnail Singh	Atma Singh	Assembly	1-4-69	26 $\frac{1}{2}$	206.00
22.	Atma Singh	Bisakha Singh	—do—	1-4-69	49 $\frac{1}{2}$	214.50
23.	Dhani Ram	Jiwea	—do—	15-5-71	44 $\frac{1}{2}$	206.00
24.	Prita	Matoo	—do—	1-4-69	27 $\frac{1}{2}$	218.00
25.	Seria	Munshi	Cage	3-9-71	30 $\frac{1}{2}$	192.50
26.	Gian Chand	Matoo	—do—	1-7-72	34	191.00
27.	Sampuran Singh	Parbhoo	Repair	3-2-70	53 $\frac{1}{2}$	210.00
28.	Ali Mohd.	Ahmed	—do—	27-12-69	56 $\frac{1}{2}$	206.00
29.	Daulat Ram	Massadi	—do—	20-11-71	4 $\frac{1}{2}$	214.00
30.	Phola	Chitru	Tank	2-6-71	42	199.00
31.	Amar Singh	Atma Singh	Maint	3-8-73	36 $\frac{1}{2}$	231.00
32.	Matu Ram	Jiwnoo	Repair	3-12-73	54 $\frac{1}{2}$	201.00
33.	Chhotu	Chanan	Mix.	19-12-73	42	185.00
34.	Hari Krishan	Dhian Singh	—do—	25-1-74	33 $\frac{1}{2}$	185.00
35.	Nathu	Durga Ram	—do—	1-2-74	29	185.00
36.	Jeeta	Kali Ram	Cage	14-8-74	28 $\frac{1}{2}$	181.00
37.	Narinder Singh	Bhagwan Singh	—do—	2-12-74	30	181.60
38.	Ram Nath	Jati	Tank	26-6-75	25	159.00
39.	Karma	Des Raj	Mix.	25-6-75	30	159.00
40.	Hadish	Sadru	—do—	9-1-76	25	159.00

for DAILY CAST SPUN PIPES,  
Manager.